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10/554,010	10/21/2005	Dirk Jeroen Breebart	NL030489	9918
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EXAMINER PULLIAS, JESSE SCOTT				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/554,010

**Applicant(s)**

BREEBART ET AL.

**Examiner**

JESSE S. PULLIAS

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 13 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10 and 13 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB/22)  
Paper No(s)/Mail Date 04/01/10  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to correspondence filed 04/09/10 regarding application 10/554010, in which no claims were amended. Claims 1-10 and 13 are still pending in the application and have been reconsidered.

### ***Response to Arguments***

2. The arguments on pages 4-9 of the Remarks have been considered but are not persuasive.

3. On page 8, the Remarks assert "It is unknown to the Applicants how this disclosure of Gray (p1 Abstract) relates to the subject invention or how the Examiner is taking the mention of "central moving average filter" to be that same as "dividing... by an average of subsequent values of said extracted predetermined audio feature".

In response, Scheirer teaches dividing the summed energy within the at least one predetermined frequency band by an *average of values* of said extracted predetermined audio feature because on Col 7 lines 65-67, Scheirer divides the four Hz modulation energy signal by the frame energy signal to get a normalized speech modulation energy value. However, Scheirer does not specifically mention an *average of subsequent* values. As was explained on page 4 of the office action 01/11/10, Gray discloses an average of subsequent values on p1, Abstract, where Grey discloses a central moving average filter, which divides the present value by preceding and subsequent values. For example, a 10 point central moving average filter would sum the preceding 5 points and the subsequent 5 points of data and divide by 10. An artisan at

the time of the invention skilled in the art of digital signal processing would have been familiar with the well known forward, central, and trailing average filters, as well as normalizing a data sequence by dividing the data points by an average of values. Furthermore, the energy signal for a frame of audio data is the average energy for the set of samples that make up the frame. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Scheirer to include an average of subsequent values by using a central moving average filter as the moving average filter, in order to determine the trend at the point of greatest precision, as suggested by Gray (p10).

The particular language of the claim requires only "an average of subsequent values" and does not rule out a central moving average filter because it does not rule out using preceding values in addition to subsequent values in calculating the average. While the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

The remaining arguments on pages 8-9 assert that the other claims are allowable by virtue of dependence or for similar reasons to those of claim 1, and so are not persuasive for the same reasons.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5, 6, 8, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheirer et al. (6,570,991) in view of Gray et al. ("Design of Moving Average Trend Filters using Fidelity, Smoothness and Minimum Revisions Criteria". Statistical Research Report Series No. RR96/01, Institute of Statistics and Operations Research, Victoria University of Wellington, New Zealand, 1997).

Consider claim 1, Scheirer discloses a method for classifying at least one audio signal into at least one audio class **(Title)**, the method comprising the steps of:

analyzing said audio signal to extract at least one predetermined audio feature **(Fig 1, feature detector 12)**;

performing a frequency analysis on a set of values of said extracted predetermined audio feature at different time instances resulting in a power spectrum of said extracted predetermined audio feature **(Fig 2, different frames, Fig 7c, power spectrum, Col 7 lines 53-54, calculating the energy spectrogram)**;

deriving at least one further audio feature representing a temporal behavior of said extracted predetermined audio feature **(Col 7 lines 47-48, syllables per second)** by parameterizing said power spectrum **(Col 7-8 lines 65-2, normalized speech modulation energy)**, wherein parameterizing said power spectrum comprises (a) summarizing a frequency axis of the power spectrum by summing energy within at least one predetermined frequency band **(Col 7 lines 59-60, energy within each of the twenty**

channels of equal width represents the sum of energy at each frequency within the band) and (b) dividing (b)(i) the summed energy within the at least one predetermined frequency band by (b)(ii) an average of values of said extracted predetermined audio feature (**Col 7 lines 65-67**, dividing by the frame energy signal) to (c) yield a relative modulation depth representing an amount of envelope modulation in the at least one predetermined frequency band (**Fig 12a, 12b**); and

classifying said audio signal based on said further audio feature (**Fig 1**, classifier 16).

Scheirer does not specifically mention an average of *subsequent* values.

Gray discloses an average of subsequent values (**p1, Abstract**, a central moving average filter divides the present value by preceding and subsequent values).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Scheirer to include an average of subsequent values by using a central moving average filter as the moving average filter, in order to determine the trend at the point of greatest precision, as suggested by Gray (**p10**).

Claim 8 is directed to a system for performing the method of claim 1, and so is rejected for similar reasons.

Consider claim 9, Scheirer discloses a music system comprising:

means for playing audio data from a medium (**Col 1 lines 38-40**); and

a system as named in claim 8 for classifying audio data (**See claim 8**).

Consider claim 2, Scheirer discloses at least one predetermined audio feature that comprises at least one of the following audio features:

- spectral centroid (**Fig 3**);
- zero-crossing rate (**Fig 5**);
- spectral roll-off frequency (**Fig 6**).

Consider claim 3, Scheirer implies, or at least suggests at least one mel-frequency cepstral coefficient (**Col 7 lines 55-56**).

Consider claim 5, Scheirer discloses:

- calculating an average value of said set of values of said extracted predetermined audio feature at different time instances (**Col 7 lines 63-65**);
- defining at least one frequency band (**Col 7 lines 54-55**);
- calculating the amount of energy within said frequency band from said frequency analysis (**Col 7 lines 60-65**); and
- defining said further audio feature as said amount of energy divided by said average value (**Col 7 lines 60-65**).

Consider claim 6, Scheirer discloses at least one of the following modulation frequency bands are used in said parameterizing said power spectrum:

- 1-2Hz
- 3-15Hz (**Col 7 lines 26-50 and lines 59-61**)

20-150Hz.

Consider claim 13, Scheirer implies, or at least suggests performing a frequency analysis on a set of values of said extracted predetermined audio feature at difference time instances results in a log power spectrum of said extracted predetermined audio feature (**Fig 7**).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scheirer et al. (6,570,991) in view of Gray et al. ("Design of Moving Average Trend Filters using Fidelity, Smoothness and Minimum Revisions Criteria". Statistical Research Report Series No. RR96/01, Institute of Statistics and Operations Research, Victoria University of Wellington, New Zealand, 1997), in further view of Blum et al. (5,918,223).

Consider claim 4, Scheirer and Gray do not specifically mention said predetermined audio feature comprises at least one of the psycho-acoustic audio features loudness and sharpness.

Blum discloses audio feature comprises at least one of the psycho-acoustic audio features loudness and sharpness (**Col 6 lines 45-47**, brightness).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Scheirer and Gray such that said predetermined audio feature comprises sharpness in order to see some of the essential characteristics

of the sounds, as suggested by Blum (**Col 6 lines 50-52**), making the classification more accurate.

7. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheirer et al. (6,570,991) in view of Gray et al. ("Design of Moving Average Trend Filters using Fidelity, Smoothness and Minimum Revisions Criteria". Statistical Research Report Series No. RR96/01, Institute of Statistics and Operations Research, Victoria University of Wellington, New Zealand, 1997), in further view of Rui et al. (7,028,325).

Consider claim 7, Scheirer and Gray do not, but Rui discloses at least one further audio feature is defined as at least one coefficient obtained by performing a discrete cosine transformation on the result of a frequency analysis (**Col 8 lines 33-34**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Scheirer and Gray such that at least one further audio feature is defined as at least one coefficient obtained by performing a discrete cosine transformation on the result of said frequency analysis, in order to calculate the MFCCs, as suggested by Rui (**Col 8 lines 29-36**), which more accurately reflect human hearing by having coarser resolution at high frequencies, thereby making them a better feature for classification of speech and music.

Consider claim 10, Scheirer and Gray disclose a multi-media system (**Scheirer,**

**Col 1 lines 22-25)** comprising:

means for playing audio data from a medium (**Scheirer, Col 1 lines 22-25**);

a system as claimed in claim 8 for classifying said audio data (**See claim 8**).

Scheirer and Gray do not specifically mention means for displaying video from a further medium; means for analyzing said video data; and means for combining the results obtained from analyzing said video data with the results obtained from classifying said audio data.

Rui discloses means for displaying video data from a further medium (**Fig 2**); means for analyzing said video data; and means for combining the results obtained from analyzing said video data with the results obtained from classifying said audio data (**Fig 3**).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Scheirer and Gray to include means for displaying video from a further medium; means for analyzing said video data; and means for combining the results obtained from analyzing said video data with the results obtained from classifying said audio data, in order to allow people to be entertained, as suggested by Rui (**Col 1 lines 20-23**).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse Pullias whose telephone number is 571/270-5135. The examiner can normally be reached on M-F 9:00 AM - 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571/272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571/270-6135.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

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Center (EBC) at 866-217-9197 (toll-free).

/Jesse S Pullias/

Examiner, Art Unit 2626

/Talivaldis Ivars Smits/

Primary Examiner, Art Unit 2626

6/25/2010